

REMARKS

Claims 1-7, 10-16, 18 and 19 remain pending. Claims 8, 9, and 17 have been canceled.

The applicants have amended the claims to overcome the rejections raised by the Examiner in the Office Action of 31 October 2008. In particular, claims 1, 16 and 18 have been amended to further define the present invention and to make the placement of the catalytically activated combustion surface inside of and surrounded by the forced air convection duct more clear. In addition, claim 6 has been amended to correct a minor informality and claim 19 has been amended to more fully define the present invention.

Claims 1-7, 10-16, 18 and 19 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Tojo in view of Hartmann and Faschingbauer. Alternatively, claims 1-7, 10-16, 18 and 19 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Tojo in view of Hartman and Faschingbauer as evidenced by Hodgson.

It is respectfully submitted that the present invention, particularly as now amended, is patentably distinct from the references cited by the Examiner and it is respectfully requested that the rejections of the claims be withdrawn and the present application be passed to issue.

The Examiner cited Tojo as disclosing an apparatus comprising an electrolyte aerosol removal unit (14 of Fig. 1 in Tojo) but recognizes that Tojo fails to disclose the catalytic unit having a catalytically activated combustion surface as required by the present invention. Therefore the Examiner relies on Hartmann as disclosing an apparatus that includes a catalytic unit for disposing of hydrogen.

In addition, the Examiner relies on Faschingbauer for disclosing the use of platinum and rare earth catalytic materials supported on metal screens for use in oxidation reactions. The Examiner then concludes that one of "ordinary skill in the art of hydrogen disposal would have been motivated to: (1) modify the apparatus of Tojo so as to incorporate the catalytic unit of Hartmann in order to provide a safe and effective means for disposing of the hydrogen generated during the electrolytic generation process of Tojo; and (2) substitute use of the wire catalyst material of Faschingbauer in place of Hartmann's catalyst so as to realize a cost savings from the lower amount of noble metal required to carry out the catalytic oxidation of hydrogen".

It is respectfully submitted that the present amendments to the claims renders the rejections set forth by the Examiner moot. In particular, the present amendments to the claim 1 now require that the catalytic unit is comprised of a forced air convection duct surrounding and containing a catalytically activated combustion surface. Similarly, the present amendments to claims 16 and 18 now require that the catalytically activated combustion surface is positioned inside of and surrounded by the forced air convection duct.

It is clear that none of the references cited by the Examiner teach or suggest such an arrangement. Rather, Hartmann, as noted by the Examiner, shows the "forced convection duct (20) being connected on both sides of the catalytic unit (6)". Initially, it is noted that item (20) in Hartmann is not a forced convection duct, but rather constitutes a simple line or pipe. This is more readily apparent from figure 2 of Hartmann that shows inlet connecting pipe (19) and outlet port (17) connected to the catalytic unit (6).

Even if the item (20) can be considered to be a forced convection pipe (which would not be the case in the closed loop system of Hartmann), such still fails to

meet the limitations of the present claims as now amended. In particular, there is simply no legitimate way to interpret the teachings of Hartmann to suggest that the unit (6) is located inside of and surrounded by the duct (20). Further, neither Faschingbauer nor Hodgson overcome this deficiency.

Therefore, it is respectfully submitted that the independent claims 1, 16 and 18 of the present invention are patentably distinct from the references cited and it is respectfully requested that the rejections of such claims be withdrawn.

With respect to the present dependent claims 2-7, 10-15 and 19, the further remarks and comments of the Examiner are noted. However, since all of these claims depend from one of the independent claims 1, 16 or 18, they are also patentably distinct from the references cited by the Examiner. Therefore, it is respectfully requested that the rejections of such claims be withdrawn.

The remarks of the Examiner in response to comments forwarded by the applicant in prior responses are noted, but further response thereto is deemed unnecessary based on the above noted patentable differences now being claimed.

In light of the above amendments and remarks, it is respectfully requested that the rejection of claims 1-7, 10-16, 18 and 19 under 35 USC 103(a) as being unpatentable over Tojo in view of Hartmann and Faschingbauer be withdrawn. Further, it is respectfully requested that the rejection of claims 1-7, 10-16, 18 and 19 under 35 USC 103(a) as being unptantable over Tojo in view of Hartman and Faschingbauer as evidenced by Hodgson be withdrawn.

In light of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and further action consistent therewith is respectfully requested.

Respectfully submitted,

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